

Environmental Protection Agency

§ 246.100

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PART 246—SOURCE SEPARATION FOR MATERIALS RECOVERY GUIDELINES

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APPENDIX TO PART 246—RECOMMENDED BIBLIOGRAPHY

AUTHORITY: Secs. 1008 and 6004 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6907, 6964).

SOURCE: 41 FR 16952, Apr. 23, 1976, unless otherwise noted.

Subpart A—General Provisions

§ 246.100 Scope.

(a) These guidelines are applicable to the source separation of residential, commercial, and institutional solid wastes. Explicitly excluded are mining, agricultural, and industrial solid wastes; hazardous wastes; sludges; construction and demolition wastes; infectious wastes; classified waste.

(b) The “Requirement” sections contained herein delineate minimum actions for Federal agencies for the recovery of resources from solid waste through source separation. Pursuant to section 211 of the Solid Waste Disposal Act, as amended, and Executive Order 11752 section 4(a), the “Requirement” sections of these guidelines are mandatory for all Federal agencies that generate solid waste. In addition, they are recommended to State, interstate, regional, and local governments for use in their activities.

(c) The “Recommended Procedures” sections are presented to suggest actions or preferred methods by which the objectives of the requirements can be realized. The “Recommended Procedures” are not mandatory for Federal agencies.

(d) The Environmental Protection Agency will render technical assistance in the form of sample cost analysis formats, sample bid specifications, implementation guidance documents and other guidance to Federal agencies when requested to do so, pursuant to section 3(d)1 of Executive Order 11752.

(e) Within one year after the effective date of these guidelines, agencies shall make a final determination as to what actions shall be taken to adopt the requirements of these guidelines and shall, within two months of such determination, submit to the Administrator a schedule of such actions.

(f) Federal agencies that make the determination not to source separate as described in §§ 246.200-1, 246.201-1, and 246.202-1, for whatever reason, shall make available to the Administrator the analysis and rationale used in making that determination. The Administrator shall publish notice of the availability of this report to the general public in the FEDERAL REGISTER. The following are considered to be valid reasons for not source separating under individual facts and circumstances: inability to sell the recovered materials due to lack of market, and costs so unreasonably high as to render source separation for materials recovery economically impracticable.

(1) The following points are to be covered in the report:

(i) A description of alternative actions considered with emphasis on

those alternatives which involve source separation for materials recovery.

(ii) A description of ongoing actions which will be continued and new actions taken or proposed. This statement should identify all agency facilities which will be affected by these actions including a brief description of how such facilities will be affected.

(iii) An analysis in support of the action chosen by the agency including technical data, market studies, and policy considerations used in arriving at such a determination.

In covering the points above, agencies should make every effort to present information succinctly in a form easily understood, but in sufficient detail so that the factors influencing the decision not to source separate for materials recovery are clear.

(2) The above report shall be submitted to the Administrator as soon as possible after a final agency determination has been made not to adopt the requirements of these guidelines, but in no case later than sixty days after such final determination. The Administrator will indicate to the agency his concurrence/nonconcurrence with the agency’s decision, including his reason therefor.

(3) Implementation of actions that would preclude source separation for materials recovery shall be deferred, for sixty days where feasible, in order to give the Administrator an opportunity to receive, analyze and seek clarification of the above required report.

(4) It is recommended that where the report required by § 246.100(f) concerns an action for which an Environmental Impact Statement (EIS) is required by the National Environmental Policy Act, that the report be circulated together with the EIS.

(g) The report required under § 246.100(e) and (f) shall be made on forms to be prescribed by the Administrator by notice in the FEDERAL REGISTER.

[41 FR 16952, Apr. 23, 1976, as amended at 47 FR 36603, Aug. 20, 1982]

§ 246.101 Definitions.

As used in these guidelines:

(a) *Agricultural solid waste* means the solid waste that is generated by the